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Paul Longden

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ADAMS INTELLECTUAL PROPERTY LAW, P.A.

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EXAMINER

KWIECINSKI, RYAN D

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/520,748	Applicant(s) LONGDEN, PAUL	
	Examiner RYAN D. KWIECINSKI	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/19/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 7-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 7-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,792,724 B2 to Burgess.

Claim 1:

Burgess discloses a glazing clip (33, Fig.3) for fitting about the edge of a glazing unit (30, Fig.3), the glazing clip comprising a generally u-shaped body having a base (34, Fig.4) and arms (35,36, Fig.4) and further comprising means for interengagement (tips of 35,36, Fig.3) with an ancillary element on at least one side of a glazing unit, wherein the base of the U-shape (34, Fig.3) extends across the edge of the glazing unit, in use, with each arm (35,36, Fig.3) extending over the respective external face of the glazing panel on opposite sides thereof when in use; and wherein the means for interengaging comprises an upstanding portion (tips of the arms 35,36 are upstanding).

Claim 9:

Burgess discloses the glazing clip as claimed in claim 1, wherein the glazing clip consists of a thermoplastic material (Column 3, lines 19-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 7-8, 10-23, and 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0152813 A2 to Wormann in view of US 6,792,724 B2 to Burgess.

Claims 1:

Wormann discloses a glazing clip (7,8,4, Fig.1,3) for fitting about the edge of a glazing unit having two external faces, the glazing clip comprising a generally u-shaped body having a base and arms (10,9,12, Fig.5), and further comprising means for interengaging with an ancillary element on at least one side of a glazing unit (5, Fig.5), wherein the base of the u-shaped body extends across an edge of the glazing unit with each arm extending over a respective one of the external faces of the glazing unit on opposite sides thereof wherein in use (Fig.2); and wherein the interengaging means comprises an upstanding portion (5, Fig.5).

Wormann does not disclose the glazing clip is a single piece.

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Burgess discloses the glazing clip is a single piece (33, Fig.3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the glazing clip of Wormann from a single piece of material in order to limit the amount of parts of the glazing system. This will enable easy application of the glazing clip as well as lower costs of the glazing clip.

(See MPEP 2144.04 V. (B)...In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) (A claim to a fluid transporting vehicle was rejected as obvious over a prior art reference which differed from the prior art in claiming a brake drum integral with a clamping means, whereas the brake disc and clamp of the prior art comprise several parts rigidly secured together as a single unit. The court affirmed the rejection holding, among other reasons, "that the use of a one piece construction instead of the structure disclosed in [the prior art] would be merely a matter of obvious engineering choice.")

Claim 2:

Wormann discloses the glazing clip as claimed in claim 1, wherein the glazing clip comprises means for interengaging with an ancillary element on both sides of a glazing unit.

Claims 7-8:

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Wormann discloses the glazing clip as claimed in claim 1, wherein the upstanding portion comprises a plurality of rebated portions (notches in 5, Fig.5) per claim 7 wherein the upstanding portion comprises a mushroom formation (top of the upstanding portion forms a mushroom formation, Fig.5) per claim 8.

Claim 10:

Wormann discloses a kit for the construction of an ancillary element on a glazing unit, the kit comprising a plurality of glazing clips (glazing clips on both sides of the members 22,24, Fig.4,5) according to claim 1 (See claim 1).

Claim 11:

Wormann discloses the glazing clip as claimed in claim 10, the kit further comprises a cross-piece (25, Fig.5) for interengaging with a first ancillary element (24, Fig.5) in a first direction and with a second ancillary element (22, Fig.3) in a second direction.

Claim 12:

Wormann discloses the glazing clip as claimed in claim 11, wherein the cross-piece comprises a first interengaging member (5, Fig.5) for interengaging with a first

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ancillary element and a second interengaging member (upper part of 19, Fig.5) for interengaging with a second ancillary element.

Claim 13:

Wormann discloses the glazing clip as claimed in claim 12, wherein the cross-piece further comprises a third interengaging member (bottom part of 19, Fig.5) for interengaging with a third ancillary element.

Claim 14:

Wormann discloses the glazing clip as claimed in claim 13, wherein the cross-piece is configured whereby a first ancillary element will be substantially perpendicular to a second and a third ancillary element (Fig.5).

Claim 15:

Wormann discloses the glazing clip as claimed in claim 13 wherein the first interengaging member is substantially similar in cross-section to the second interengaging member (same cross section, Fig.5).

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Claim 16:

Wormann discloses the glazing clip as claimed in claim 15, wherein the first interengaging member is substantially similar in cross-section to the third interengaging member (same cross section, Fig.5).

Claim 17:

Wormann discloses the glazing clip as claimed in 13, wherein the first interengaging member is substantially perpendicular to the second interengaging member (Fig.5).

Claim 18:

Wormann discloses the glazing clip as claimed in claim 13, wherein the first interengaging member is substantially perpendicular to the third interengaging member (Fig.5).

Claim 19:

Wormann discloses the glazing clip as claimed in claim 10, wherein the glazing clips in the kit are substantially similar (the clips are all similar clips).

Claim 20:

Wormann discloses the glazing clip as claimed in claim 10, wherein the kit additionally comprises at least one ancillary element (24, Fig.5) for interengaging with the glazing clips.

Claim 21:

Wormann discloses the glazing clip as claimed in claim 20, wherein the ancillary element is for a Georgian effect glazing assembly (24, Fig.5).

Claim 22:

Wormann discloses the glazing clip as claimed in claim 20 wherein the ancillary element is of substantially constant cross-section (24, Fig.5).

Claim 23:

Wormann discloses the glazing clip as claimed in claim 20, wherein the ancillary element comprises a female interengaging member (23, Fig.5) for interengaging with a male interengaging member of a glazing clip.

Claim 25:

Wormann discloses the glazing clip as claimed in claim 20, wherein the ancillary element comprises a lower face (face with groove 23, Fig.5) to be against a glazing panel in use, and the glazing clip is configured to interengage with the ancillary element in the lower face.

Claim 26:

Wormann discloses the glazing clip as claimed in claim 25, wherein the lower face has a longitudinal slot (23, Fig.5) therein for receiving the glazing clip.

Claim 27:

Wormann discloses the glazing clip as claimed in claim 25 wherein the ancillary element and glazing clip interengage by a snap-fit connection (Fig.4).

Claim 28:

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Wormann discloses the glazing assembly comprising a glazing unit (Fig.4) about the edge of which is at least one glazing clip according to claim 1 (see claim 1) and at least one ancillary element (24, Fig.5) engaged with the glazing clip.

Claim 29:

Wormann discloses the glazing clip as claimed in claim 28, wherein the ancillary element is engaged with a first glazing clip and a second glazing clip after each has been placed about the glazing unit (Fig.5; glazing clips engage the element on both ends).

Claim 30:

Wormann discloses the glazing clip as claimed in claim 28 wherein the glazing assembly comprises a frame (wooden structure, Fig.2) about the glazing unit.

Claim 31:

Wormann discloses the method of construction of a glazing assembly, the method comprising the steps of providing a glazing clip according to claim 1 (See claim 1) to the edge of a glazing unit and engaging an ancillary element (24, Fig.5) therewith.

Claim 32:

Wormann discloses the method of construction of a glazing assembly as claimed in claim 31 wherein a plurality of glazing clips (on each end of each element) are provided to support the ancillary element.

Claim 33:

Wormann discloses the method of construction of a glazing assembly as claimed in claim 31 or claim 32, wherein a plurality of ancillary elements are provided (24,22, Fig.5).

Claim 34:

Wormann discloses the method of construction of a glazing assembly as claimed in claim 33, wherein the ancillary elements are configured to meet (Fig.5) and a cross-piece (25, Fig.5) is provided to engage with ancillary elements in the region of the meeting of the ancillary elements.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,792,724 B2 to Burgess in view of US 4,151,696 to Knights et al.

Claim 5:

Burgess discloses glazing clip as claimed in claim 4, but does not disclose wherein the arms of the glazing clip are inclined from the perpendicular relative to the base, whereby in use the glazing clip is biased to the glazing unit.

Knights et al. discloses the arms (10,11, Fig.1) of the glazing clip are inclined from the perpendicular relative to the base, whereby in use the glazing clip is biased to the glazing unit.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed a glazing clip around the unit of Burgess with arms that were inclined from the perpendicular in order to create a secure connection between the clip and the glazing unit. The inclined arms created a restricted gap between the arms which will tightly secure the glazing unit in the gap between the arms.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0152813 A2 to Wormann in view of US 6,026,621 to Fisher.

Claim 24:

Wormann discloses the glazing clip as claimed in claim 20, but does not disclose wherein the ancillary element comprises a male interengaging member for interengaging with a female interengaging member of a glazing clip.

Fisher discloses the ancillary element comprises a male interengaging member (22, Fig.4) for interengaging with a female interengaging member (Fig.2) of a glazing clip.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have flipped the connection means of Wormann providing the clip with the female connecting means and the element with the male connecting means since this will lead the same final structure of the window glazing unit. Which member has the male and female connecting means is a matter of choice in the design.

Response to Arguments

Applicant's arguments filed 19 June 2008 have been fully considered but they are not persuasive.

Applicant argues that Wormann does not disclose a glazing clip made from a single piece. This argument is moot in view of the new rejection.

Applicant also argues that claim 1 is patentable over Burgess with the newly filed amendment. This is not found persuasive. Burgess does disclose upstanding portions that engage the ancillary elements as shown in the rejection of claim 1. Applicant argues that the Office did not reject original claim 6 under Burgess. Claim 6 was originally rejected under Wormann, and Applicant amended the independent claim 1, changing the scope of the invention and necessitated a rejection of claim 1 under Burgess. Therefore Burgess does in fact disclose upstanding portions.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. KWIECINSKI whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Basil Katcheves can be reached on (571)272-6846. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDK

/Ryan D Kwiecinski/
Examiner, Art Unit 3635

/Basil Katcheves/

Primary Examiner, Art Unit 3635